

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**ERIE COUNTY ENVIRONMENTAL
COALITION, et. al.
Plaintiffs**

v.

**MILLCREEK TOWNSHIP SEWER
AUTHORITY, et. al.,
Defendants**

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**CIVIL ACTION NO. 05-59 ERIE
ELECTRONICALLY FILED**

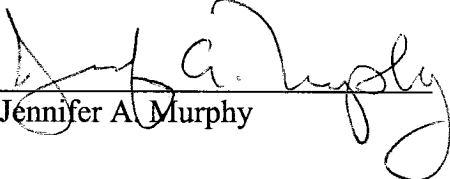
AFFIDAVIT IN SUPPORT OF MOTION

I, Jennifer A. Murphy, Esq., do hereby declare:

1. I filed a timely Motion for Summary Judgment and a Brief in Support thereof on behalf of Plaintiffs in the above referenced case on March 31, 2006.
2. I failed to file a concise statement of facts and appendix as outlined in L.R. 56.1.B.1 of the Local Rules of Court for the Western District of Pennsylvania.
3. In Support of the Motion, Plaintiffs did aver facts in its Brief in Support of Summary Judgment and did attach to its Brief exhibits supporting facts relied upon in the brief and incorporated by reference documents Plaintiffs previously filed in this case.
4. Before I filed the Motion, I did consult the Local Rules. However, the version I relied upon was a hardcopy that I had been given on the day of my admission ceremony. The Local Rules were dated July 31, 2003. In that version there is no Local Rule 56.1

5. I did, however, fail to check for updates on the Court's website and to recheck the Case Management Order to determine any specific requirements for filing a Motion for Summary Judgment.
6. Defendants filed with their Motion a Concise Statement of Material Facts and an Appendix. I reviewed Defendants' Concise Statement of Facts but assumed it was filed in preparation of the joint concise statement of material facts that is to be filed on April 27, 2006.
7. This case is the only case I am an attorney for before the United States District Court for the Western District of Pennsylvania.
8. I was not aware of the Local Rule 56.1 at the time of filing.
9. The first time I realized my failure to comply with L.R. 56.1 was April 20, 2006, upon receipt of Defendants' Response to Plaintiffs' Motion for Summary Judgment.
10. I fully recognize the seriousness of such an error and do not want to jeopardize her clients' cases as well as her own professional standing. I do try to and I will in the future make every attempt to follow all of the applicable procedural rules.

I VERIFY UNDER THE PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT. Executed on April 24, 2006.


Jennifer A. Murphy